THE HON'BLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION Nos.25368, 25373, 24492 and 24646 of 2007

(DATED :19.12.2007)

W.P.No.25368 of 2007:

Between:
D.Seetharamaiah S/o Tatayya
Main Road, Bobbarlanka, Atreyapuram Mandal,
East Godavari District

…Petitioner

A n d

Chief General Manager, B.S.N.L Bhavan
A.P.Telecom Circle, Station Road, Nampally
And others

…Respondents

W.P.No.25373 of 2007:

Between:
D.Seetharamaiah S/o Tatayya
Main Road, Bobbarlanka, Atreyapuram Mandal,
East Godavari District

…Petitioner

A n d

Chief General Manager, B.S.N.L Bhavan
A.P.Telecom Circle, Station Road, Nampally
And others

…Respondents

W.P.No.24492 of 2007:

D.Maridaiah S/oVenkanna
Occ: BSNL Contractor
Dowleswaram,East Godavari District.

….Petitioner

A n d

The Chief General Manager B.S.N.L.,
Southern Telecom Project
R.A.Puram, Chennai and others

…Respondents

W.P.No.24646 of 2007

D.Maridaiah S/oVenkanna
Occ: BSNL Contractor

Dowleswaram,East Godavari District.

….Petitioner

A n d

The Chief General Manager B.S.N.L.,
Southern Telecom Project
R.A.Puram, Chennai and others

…Respondents

COMMON ORDER:

Heard Sri M.Lakshmana Sarma and Sri T.G.S.Srivatsava, learned counsel representing the respective writ petitioners in all these writ petitions and Sri Chinthalapudi Lakshmi Kumar, Standing Counsel representing the respondents.

2. In all these writ petitions, notice before admission has been ordered. Counter affidavits have been filed.

3. All these writ petitions are filed praying for a writ of *mandamus* or order or a direction declaring the tender notice as specified in the respective writ petitions as illegal, arbitrary and *malafide* and consequently to direct the respondents to invite tenders from the enlisted contractors and pass such other suitable orders.

4. The facts narrated in almost all these writ petitions appear to be substantially the same. Earlier, the respondents used to advertise inviting tenders from the enlisted contractors only for various works in the Organization. The word “enlisted contractors” would mean that the contractors, who have got experience and enlisted in the department as contractors capable of undertaking the works, as specified by the department. In the present tender notice, there is no such mention that only the enlisted contractors alone are eligible to submit tenders. Several further facts also had been narrated in all these affidavits filed

in support of these writ petitions by the petitioners.

5. In the respective counter affidavits filed, it is averred that these writ petitioners were enlisted as “C” class contractors and the respondent organization had been following the prevailing guidelines issued by the Head Quarter, New Delhi vide proceedings No.410-05/97-TPS (C) dated 28-10-2002. Thereafter, revised guidelines had been issued vide letter No.410-1/2005-TPS(C) dated 29.11.2005 restoring the old procedure for cable laying contract system calling for the tender from open market. Hence, these writ petitioners, being enlisted contractors, cannot question the policy decision of the respondent organization in the modes of execution of cable laying works. As per the instructions communicated by the Bharat Sanchar Nigam Limited (“BSNL”, for short) Head Quarter, New Delhi dated 29.11.2005 tenders have been invited from all the contractors for execution of works. The same was followed in the impugned tender notification dated 8.11.2007 calling for the tenders from eligible contractors in the open market. It is always open to these writ petitioners also to participate in the above tender notifications. Certain other facts also had been narrated in paras 3, 4 and 5 of the counter affidavits in the respective writ petitions as well.

6. Review of Guidelines and Manual for cable laying contract system issued by the BSNL; a Government of India enterprise, dated 29.11.2005, also had been placed before this Court.

7. As can be seen from the respective stands taken by the parties in their respective affidavits filed in support of these writ petitions and also the stand taken in the respective counter affidavits, it appears in view of change of policy, which had been specified in the respective counter affidavits, the present procedure is being followed and

absolutely, the said action is neither discriminatory nor arbitrary. Several other factual controversies narrated in the affidavits filed in support of the writ petitions and also the respective counter affidavits need not be elaborately detailed for the reason that the specific stand taken in the respective counter affidavits is that in view of change of policy, an uniform policy is being followed and absolutely there is no discrimination.

8. In the light of the above, these writ petitions being devoid of merits are liable to be dismissed and accordingly, they are hereby dismissed. No order as to costs.

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P.S.NARAYANA, J

19-12-2007
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